

### Remarks

The amendments above correct typographical errors and clarify the intent of “at least one of \*M and #M” language.

The Examiner again rejected claims 1-6, 8-17, 19-25, 27-32 and 34-37 pursuant to 35 U.S.C. § 103(a) as being unpatentable over Malik (U.S. Patent No. 6,181,787) in view of Furman (U.S. Patent No. 5,465,295). Claims 7 and 18 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Malik in view of Furman in further view of Mirville et al. (U.S. Patent No. 5,745,553). Claims 26 and 33 were objected to as being dependent on a rejected base claim, but otherwise allowable.

#### INDEPENDENT CLAIMS 1, 12 AND 23:

Independent claim 1 requires initiating a trigger based on a service code including an alphabetical abbreviation for a name of a telecommunications service and initially establishing a subscription to the telecommunications service in dependence upon the trigger. Independent claims 12 and 23 include similar limitations.

In the Office Action, the Examiner relies on Malik to initiate the trigger and initially establish the service. The Examiner notes that Malik uses an access code of an asterisk followed by two digits (e.g., “\*XX”). As noted, Malik fails to specifically disclose that the “XX” service code includes an alphabetical abbreviation for a name of the telecommunications service. Furman is relied on by the Examiner to teach a service code that is an alphabetical abbreviation for a name of a telecommunications service to be “activated.”

In the previous response, Applicants argued that the references teach away from initiating a subscription using an alphabetical abbreviation. The Examiner alleges that the references do not discourage or teach away, but merely do something different.

A person of ordinary skill in the art would not have used the abbreviation teaching of Furman with the temporary service activation of Malik. As noted by the Examiner, Furman uses the abbreviation for “activating” a service. Furman does not use the abbreviation for establishing

a subscription to a service. For example, Furman discloses controlling the routing of a telephone call (col. 1, lines 10-11 and 29-32). To avoid memorizing different numbers associated with an individual, only one of the numbers and a suffix code is needed to call any of the numbers (col. 1, lines 32-46 and col. 3, lines 3-16). A table of numbers and associated suffixes for a subscriber is maintained for routing calls (col. 3, lines 48-58 and Figure 2). The suffixes assigned to each number correspond to an alphabetical representation of the expected number, such as F for fax or VM for voice mail (col. 3, lines 48-58 and col. 4, lines 47-58). Based on the number and suffix dialed, the call is routed to the appropriate destination (col. 4, lines 34-46 and col. 7, lines 3-6). Furman suggests using the alphabetical abbreviation for using a service, not subscribing to the service.

The Examiner relies on the pneumonic aid of Furman as benefiting activation of a service “whether the service involves a subscription or not.” However, this ignores the very motivation cited by the Examiner avoiding narrowing multiple numbers for a same party (Furman, Col. 1, lines 1-20). The use of abbreviations according to Furman is to avoid memorizing multiple numbers for a same person (Col. 1, lines 1-20). By using the abbreviation of a service for routing, a person of ordinary skill would not have used the abbreviation out of context for initially establishing a subscription. First, the user would expect the code to activate use, not a subscription. Using the same code for use and establishing a subscription would cause confusion. The motivation from Furman is to use pneumonic aids to avoid memorizing multiple, long numbers, not some short codes. Second, the same code would be used for two different functions, making the coding ambiguous. For example, “VM” is taught by Furman to route a current call to a person’s voice mail number. When “VM” is dialed, ambiguity exists over whether the call should be routed to someone’s voice mail number as taught by Furman for alphabetical abbreviation or whether the caller desires to subscribe to a voice mail service. Just relying on pneumonic aid out of context of Furman ignores the motivation cited by the Examiner and the suggestions provided to a person of ordinary skill in the art by Furman. While the alphabetical representation of numbers on the telephone key pad is well known, Furman uses the aid to avoid memorizing long telephone numbers. The use of the alphabetical abbreviation of a service to establish a subscription to the service would prevent use of the same aid for the long

numbers taught by Furman. Like pneumonic aids when dialing a number (e.g., 1-800-Flowers), Furman teaches using the alphabetical representation to route a call. By disclosing the advantages using the alphabetical code to route calls, a person of ordinary skill would not have been motivated to use the code for a different purpose, such as establishing a service of Malik. A person of ordinary skill would not have used the alphabetical abbreviation of Fruman for the coded triggering of a service of Malik.

Even if combined as suggested by the Examiner, Malik and Furman do not disclose initially establishing a subscription. As noted by the Examiner, Furman uses the abbreviation for activating a service, not initially establishing a subscription. Malik uses the \*XX code to trigger a “temporary” advanced telecommunications service (Col. 13, lines 7-21 and 60-65; see also title). According to Malik, this temporary or “rented” service is different from or “in contrast” to a subscription. Malik triggers a temporary activation or renting, not a subscription. Malik and Furman do not disclose initially establishing a subscription as claimed in claims 1, 12 and 23.

#### DEPENDENT CLAIMS 2-6, 8-11, 13-17 AND 19-22:

The above listed dependent claims depend from the independent claims discussed above. Therefore, these dependent claims are allowable for the same reasons. Furthermore, limitations of some of the dependent claims are not suggested by the Examiner cited sections of the references.

For example, claims 6 and 17 require “ci” for caller identification. Malik expresses this feature as “calling name delivery,” suggesting the use of “cn.” (col. 13, lines 20-21). Malik does not suggest the use of “ci.”

As another example, claims 11 and 22 require “written correspondence.” Malik shows data or video correspondence. The Examiner notes that the data is “written” to a screen. However, “written correspondence” is a term of art distinct from a video display of data. Malik shows billing the customer (Col. 2, lines 37-45), but does not show how the billing occurs. The billing discussion is in the background and is not associated with the provisioning of temporary AIN relied on for rejecting the base claim.

#### DEPENDENT CLAIMS 7 AND 18:

Claims 7 and 18 depend form the independent claims discussed above. Therefore, these dependent claims are allowable for the same reasons. Furthermore, the combination cited by the Examiner would not suggest the limitations of these dependent claims. Furman discloses using alphabetical codes for call routing to a type of destination – a voice mail destination, a fax destination, a business phone destination and others. Mirville et al. disclose a menu structure for associating a code (e.g. \*9) with a service (e.g. call waiting). Furman deals with routing, and call waiting is not a number to be called. For combination with Malik, a person of ordinary skill in the art would have used the list and/or the code (“\*9”) of Mirville et al., not an alphabetical abbreviation. Therefore, there is no suggestion to provision call waiting by dialing a “cw” code as claimed in claims 7 and 18.

#### INDEPENDENT CLAIMS 24, 30 AND 37:

Claim 24 requires initiating a telecommunications network trigger based upon a menu code including at least one of “\*M” and “#M” and providing a menu of a plurality of telecommunications options in response to the telecommunications network trigger. Claims 30 and 37 have similar limitations.

Malik and Furman do not teach these limitations. In particular, neither Malik nor Furman disclose using “\*M” or “#M” to provide a menu. The Examiner specifically notes that Malik “fails to specifically disclose that the menu code includes ‘\*M’ or ‘#M’.” The Examiner relies on the “\*M” shown in Furman (col. 1, lines 43-46) for this limitation. However, Furman uses “\*M” for connecting a caller to an electronic messaging service associated with a called party (col. 1, lines 43-46). There is no disclosure of using “\*M” as a menu code in either Malik or Furman. There is no motivation to use “M” for anything other than routing to a messaging service. Accordingly, claims 24, 30 and 37 are allowable since both references do not disclose the claimed limitation.

Additionally, a person of ordinary skill in the art would not have used the alphabetical abbreviation of Furman for the temporary services of Malik as discussed above for claim 1. Furman suggest other uses for “M” than for a menu. The alphabetical designations of Furman

are used for routing, such as routing to a messaging service, not a menu. Given only one “M”, a person of ordinary skill in the art would have followed the clear suggestion in Furman of “M” for messaging service and avoided confusion by not using “M” to activate a menu. The menu of Malik is used to obtain service related information after the code XX for the desired service has been used, so there is no suggesting to dial a menu using “M” (col. 17, lines 14-43). Malik discloses using the menu based on another service code, not based on a separate menu code.

The Examiner alleges that the choice of abbreviation goes to non-structural content. However, claim 24 is a method claim, not requiring structural content. The choice of abbreviation makes a difference to users - altering which button to depress. The choice of abbreviation also makes a difference to programming switches or other telecommunications devices. Only one key is labeled with “M” so the transistor, data or flow used by the system is altered to correspond to detecting that key for activating a particular function – a menu. The claims require more than a mere intended use. A code designated by a specific button results in specific processing and/or interrelation of hardware to stored data (i.e., structural content). The prior art would not be used to perform the claimed use of the known “M” button since the prior art does not suggest or disclose the programming, data, switch or logical connection of using the M button for initiating a trigger with a menu provided in response to the trigger.

The Examiner alleges that the Malik and Furman teachings would be used to provide “M” for providing a menu. As support, the Examiner alleges that the prior art of this combination is able to perform the intended use, so the combination would meet the claim requirements. The prior art is not being claimed. Furman uses “M” for messaging. Neither Malik nor Furman suggest using “M” to activate a menu.

#### DEPENDENT CLAIMS 25, 27-29 AND 31-36:

The above listed dependent claims depend from the independent claims discussed above. Therefore, these dependent claims are allowable for the same reasons.

## COMMENT ON REASONS FOR ALLOWABILITY

Claims 26 and 33 were indicated as allowable, in part, as an "ordered" list. The list is of options. To distinguish one option from another, the usual claiming convention of "first" option, "second" option . . . is used. The "first," "second," . . . is not intended to require a specific order.

## CONCLUSION

In view of the remarks, the Applicant respectfully submits that the pending claims are in condition for allowance. If any issues remain, the Examiner is requested to call the undersigned at (312) 321-4726 so that an interview can be arranged.

Respectfully submitted,

  
\_\_\_\_\_  
Craig A. Summerfield  
Registration No. 37,947  
Attorney for Applicant

BRINKS HOFER  
GILSON & LIONE  
P.O. Box 10395  
Chicago, Illinois 60610  
(312) 321-4200

Dated: Sept 24 2004